S.B. Cr. Misc. Cancellation of Bail No. 16/2007
(Narendra Kumar Vs. State of Rajasthan and Ors.)

Date of order : 05.07.2007

HON'BLE MR.H.R.PANWAR,J.

Mr. Sandeep Mehta for the petitioner.
Mr. Ashok Upadhyay, P.P.
Mr. M.K.Garg for the respondents.

Heard learned counsel for the petitioner and public prosecutor for the State as also counsel appearing for the accused respondents.

By the instant application under Section 439 (2) Cr.P.C., the petitioner complainant seeks cancellation of bail granted to the accused respondents No.2 and 3 vide order dated 06.4.2007 passed by Sessions Judge, Sri Ganganagar under Section 438 Cr.P.C. Learned counsel appearing for the accused respondents submits that thereafter the police investigated the matter and filed challan against the respondents for the offences under Sections 365, 366A, 368 and 376/511 IPC and the accused respondents appeared before the trial court and moved a regular bail and they have been released on regular bail vide order dated 31.5.2007.

I have carefully gone through the order dated

31.5.2007 which shows that challan has been filed against the respondents and they have been released on regular bail. In the circumstances therefore, even if the bail granted vide order dated 6.4.2007 is cancelled then also the respondents would remain on bail which has been granted to them by a subsequent order and therefore, without examining the merit of the case, keeping in view the supervening change in the circumstances of granting regular bail by the trial court, I do not consider it a fit case to cancel the bail under Section 438 Cr.P.C.

The application seeking cancellation of bail is therefore, dismissed.

(H.R.PANWAR), J.

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